

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Catherine M. Rubis
Gregory P. Rubis

Debtors

PNC Bank, National Association

NO. 18-21691 CMB

CHAPTER 13

Related to Doc. 67, 73

Movant

v.

Catherine M. Rubis
Gregory P. Rubis
Ronda J. Winnecour, Trustee

Respondents

STIPULATION AND ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, Movant's claim is secured by a mortgage on Debtors' property located at 134 Strawn Road A/K/A 140 Strawn Road, Perryopolis, PA 15473;

WHEREAS, Movant has filed a motion for relief from the automatic stay;

WHEREAS, Debtors have filed a response opposing relief from the automatic stay;

WHEREAS, the parties enter into this Stipulation to resolve the motion for relief from the automatic stay.

It is therefore Stipulated and agreed as follows:

1. The automatic stay is terminated as it affects the interests of the Movant with respect to the property at 134 Strawn Road A/K/A 140 Strawn Road, Perryopolis, PA 15473, provided however, that relief from stay is stayed in accordance with the conditions set forth in Paragraphs 2-5, below.

2. On a go-forward basis from and after the date of the Order approving this Stipulation, the Debtors shall timely make full plan payments to the Chapter 13 Trustee, on or before the date upon which the respective plan payment is due.

3. Time is of the essence as to all plan payments going forward.

4. For the duration of this bankruptcy case, in the event that the Chapter 13 Trustee has not received a full plan payment by the last day of the month in which the Debtors' payment is due, as indicated by the Chapter 13 Trustee's online records, then the stay provided in Paragraph 1, above, shall be vacated and the automatic stay unconditionally lifted as it affects the interests of the Movant with respect to the property at 134 Strawn Road A/K/A 140 Strawn Road, Perryopolis, PA 15473, upon the filing of an Affidavit of Default by Movant, without further hearing or without entry of an additional order, if Debtors have failed to cure the default ten (10) days after written notice of default to Debtors' counsel. Such Affidavit of Default shall contain a statement of default as supported by the Movant's own records as well as the records of the Chapter 13 Trustee.

4. Relief from the automatic stay shall be effective immediately upon conversion of Debtors' case to a case under Chapter 7.

5. In the event that the automatic stay is terminated as provided by this Order, then the Trustee shall make no further disbursements to Respondent on account of its secured claim, unless directed otherwise by further Order of Court.

6. The hearing scheduled for April 10, 2019 at 10:00 am is cancelled.

Consented to by:

/s/ Christopher M. Frye, Esquire
Christopher M. Frye, Esquire
Attorney for Debtor
Ste. 2830 Grant Tower
707 Grant Street
Pittsburgh, PA 15219

/s/ James C. Warmbrodt, Esquire
James C. Warmbrodt, Esquire
KML Law Group, P.C.
Attorney for Movant
701 Market Street, Suite 5000
Philadelphia, PA 19106

Phone: 412-391-0221
chris.frye@steidl-steinberg.com

Phone: 215-627-1322
jwarmingbrodt@kmllawgroup.com

/s/Ronda J. Winnecur

Ronda J. Winnecur
Chapter 13 Trustee
US Steel Tower-Suite 3250
Pittsburgh, PA 15219

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

By the Court,



FILED
4/3/19 10:44 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 Gregory P. Rubis
 Catherine M. Rubis
 Debtors

Case No. 18-21691-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dsaw
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Apr 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 05, 2019.

db/jdb +Gregory P. Rubis, Catherine M. Rubis, 134 Strawn Road, Perryopolis, PA 15473-5438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 05, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 3, 2019 at the address(es) listed below:

Christopher M. Frye on behalf of Debtor Gregory P. Rubis chris.frye@steidl-steinberg.com, julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste inberg.com

Christopher M. Frye on behalf of Joint Debtor Catherine M. Rubis chris.frye@steidl-steinberg.com, julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste inberg.com

James Warmbrodt on behalf of Creditor PNC BANK, NA. bkgroup@kmllawgroup.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winneccour cmeecf@chapter13trusteeewdpa.com

TOTAL: 5